

REMARKS

This case has been carefully reviewed and analyzed in view of the Official Action dated 29 September 1999. Responsive to the rejections made in the Official Action, Claims 2 and 6 have been canceled and the subject matter thereof incorporated into Claim 1. Further, Claims 3, 4 and 5 have been amended. Additionally, new Claims 7 and 8 have been added to further clarify the combination of elements which forms the invention of the subject Patent Application.

The Specification has been amended to further define the relationship between the bolts 15 and the strengthened frames 141. The antecedent basis for this Amendment to the Specification is provided by FIGS. 2 and 3, as originally filed. Additionally, the Specification has been amended to correct a translational error found on Page 3, Line 21 of the Specification.

In the Official Action, the Examiner rejected Claims 1 and 2 under 35 U.S.C. § 102, as being anticipated by Smisek, U.S. Patent #5,267,743. The Examiner stated that the referenced disclosed a skateboard having an elongated body with a top plate, a bottom plate, a central longitudinal rib, and longitudinal ribs along each side portion formed by aluminum members which are integral with the top and bottom plates when joined together. With respect to Claim

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6, which subject matter is now incorporated in Claim 1, the Examiner rejected that Claim under 35 U.S.C. § 103, as being unpatentable over Smisek, in view of Stevenson, U.S. Patent #4,182,520. The Examiner stated that the Stevenson reference disclosed the use of a flexible protective pad which covers the side and end portions of the skateboard deck. The Examiner concludes that it would have been obvious to provide the skateboard body of Smisek with a protective pad which covers the end portions as taught by Stevenson.

Before discussing the prior art, it is believed beneficial to first briefly summarize the structure of the invention of the subject Patent Application. The invention of the subject Patent Application is directed to a skateboard having an elongated body which includes a top plate, a bottom plate and two closed side plates disposed on opposing sides of the elongated body and formed between the top and bottom plates. The top plate has a support base formed on a mediate portion thereof and two strengthened frames are formed between the top and bottom plates and each extends longitudinally within the elongated body adjacent a respective opposing side of the support base. For further strengthening, the skateboard of the invention of the subject Patent Application further includes a pair of reinforcing ribs

formed between the top and bottom plate with each extending longitudinally within the elongate body, each extending in a portion thereof between a respective one of the pair of strengthened frame and a respective one of the pair of closed side plates. Further, the skateboard of the invention of the subject Patent Application includes at least one flexible protective pad attached to the elongated body.

In contradistinction, the skateboard of Smisek is provided with an elongated body formed by the members 22 and 34 and easily joined together. If the Examiner interprets the side portions as being longitudinal ribs, then the reference lacks the two opposite closed side plates, corresponding to elements 13 of the invention of the subject Patent Application. If the longitudinal side portions correspond to Applicant's side plates, then the reference discloses only a central longitudinal rib. In either case, the reference neither discloses nor suggests the further inclusion of a pair of strengthened frames which extend longitudinally in the elongated body, are formed between the top and bottom plates, and formed adjacent to the centrally disposed support base of the top plate. As the reference fails to disclose each and every one of the elements, as now claimed, it cannot anticipate that invention. Further, in addition to those elements which the reference fails to

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disclose, or suggest, the reference fails to disclose, or suggest passing mounting bolts for the supports of the wheels through the strengthened frames, which provides a very strong mounting base therefor, as now defined in Claim 7, and thus the reference can neither anticipate nor make obvious Claims 7 and 8.

In the Official Action, the Examiner rejected Claims 3-5 under 35 U.S.C. § 103, as being unpatentable over Smisek in view of an article in "Cycle Magazine". The Examiner states that the Smisek reference discloses top and bottom plates which are made of plastic, but further discloses use of longitudinally extending aluminum ribs. The Examiner refers to the "Cycle Magazine" publication for disclosure of a skateboard body made of aluminum and surfboard foam. The Examiner concludes that it would have been obvious to modify the skateboard of Smisek by making the body entirely of aluminum and filling the interior with foam as taught by the "Cycle Magazine" article.

It is respectfully submitted that the "Cycle Magazine" article fails to overcome the deficiencies of Smisek, as discussed above. Further, the reference only discloses that the boards are made of aluminum and surfboard foam, but discloses no particular structure defining the interrelationship between the two materials. Thus, absent Applicant's disclosure, there is no suggestion of forming a

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surfboard of aluminum and filling longitudinally extended openings therein with the foam. One could just as likely interpret such an open-ended disclosure as defining a skateboard formed of surfboard foam with aluminum ribs embedded therein. Therefore, when combining the disclosure of combined materials of surfboard foam and aluminum with the Smisek reference, one skilled in the art would replace the members 22 and 34 with like elements formed of surfboard foam and the channel supports 31a, b being formed of aluminum. Therefore, absent the use of "hindsight" such combination of references cannot make obvious the invention of the subject Patent Application, as now defined in Claims 3-5.

Therefore, it is now believed that the subject Patent Application has been placed in condition for allowance and such action is respectfully requested.

Respectfully submitted,  
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